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SENATE BILL 451

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Manny M. Aragon

AN ACT

RELATING TO MUNICIPALITIES AND COUNTIES; AMENDING THE PUBLIC  
IMPROVEMENT DISTRICT ACT TO REQUIRE THE GOVERNING BODY TO ACT  
WITHIN SIXTY DAYS AFTER RECEIVING A PETITION FOR CREATION OF A  
PUBLIC IMPROVEMENT DISTRICT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 5-11-3 NMSA 1978 (being Laws 2001,  
Chapter 305, Section 3) is amended to read:

"5-11-3. RESOLUTION DECLARING INTENTION TO FORM  
DISTRICT. --

A. If the public convenience and necessity require,  
and on presentation of a petition signed by the owners of at  
least twenty-five percent of the real property by assessed  
valuation proposed to be included in the district, the  
governing body may adopt a resolution declaring its intention

underscored material = new  
[bracketed material] = delete

1 to form a public improvement district to include contiguous or  
2 noncontiguous property, which shall be wholly within the  
3 corporate boundaries of the municipality or county. If the  
4 governing body fails to act within sixty days following  
5 presentation of a petition to create a public improvement  
6 district, the petition shall be deemed to have been accepted by  
7 the governing body, which shall adopt a resolution and hold a  
8 public hearing pursuant to this section. The resolution shall  
9 state the following:

10 (1) the area or areas to be included in the  
11 district;

12 (2) the purposes for which the district is to  
13 be formed;

14 (3) that a general plan for the district is on  
15 file with the clerk that includes a map depicting the  
16 boundaries of the district and the real property proposed to be  
17 included in the district, a general description of anticipated  
18 improvements and their locations, general cost estimates,  
19 proposed financing methods and anticipated tax levies, special  
20 levies or charges, and that may include possible alternatives,  
21 modifications or substitutions concerning locations,  
22 improvements, financing methods and other information provided  
23 in the general plan;

24 (4) the rate, method of apportionment and  
25 manner of collection of a special levy, if one is proposed, in

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[bracketed material] = delete

1 sufficient detail to enable each owner or resident within the  
2 district to estimate the maximum amount of the proposed levy;

3 (5) a notice of public hearing in conformity  
4 with the requirements of Section [~~4 of the Public Improvement~~  
5 ~~District Act~~] 5-11-4 NMSA 1978;

6 (6) the place where written objections to the  
7 formation of the district may be filed by an owner;

8 (7) that formation of the district may result  
9 in the levy of property taxes or the imposition of special  
10 levies to pay the costs of public infrastructure constructed by  
11 the district and for their operation and maintenance and may  
12 result in the assessment of fees or charges to pay the cost of  
13 providing enhanced services;

14 (8) a reference to the Public Improvement  
15 District Act; and

16 (9) whether the district will be governed by a  
17 district board comprised of the members of the governing body,  
18 ex officio, or comprised of five directors initially appointed  
19 by the governing body.

20 B. The resolution may direct that, prior to holding  
21 a hearing on formation of the district, a study of the  
22 feasibility and estimated costs of the improvements, services,  
23 enhanced services and other benefits proposed to be provided  
24 pursuant to the Public Improvement District Act be prepared by  
25 the petitioners for consideration by the governing body at its

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1 hearing on formation of the district. The study shall  
2 substantially comply with the requirements of Section [~~16 of~~  
3 ~~the Public Improvement District Act~~] 5-11-16 NMSA 1978. The  
4 district may require that the persons petitioning for formation  
5 of the district deposit with the treasurer an amount equal to  
6 the estimated costs of conducting the feasibility study and  
7 other estimated formation costs, to be reimbursed if the  
8 district is formed and public improvements are financed  
9 pursuant to the Public Improvement District Act.

10 C. The resolution shall direct that a hearing on  
11 formation of the district be scheduled and that notice be  
12 mailed and published as provided in Section [~~4 of the Public~~  
13 ~~Improvement District Act~~] 5-11-4 NMSA 1978.

14 D. Before adopting a resolution pursuant to this  
15 section, a general plan for the district shall be filed with  
16 the clerk. "